

PATENTS

Docket No. CIR-002-CIP2

For A Small Entity

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ascher Shmulewitz et al.  
Serial No. : 09/320,172  
Filed : May 26, 1999  
For : APPARATUS FOR PROVIDING CORONARY  
RETROPERFUSION AND METHODS OF USE  
Group Art Unit : 3762

Hon. Assistant Commissioner  
for Patents  
Box Missing Parts  
Washington, D.C. 20231

#6/Lth.  
w/missing parts  
RECEIVED  
JUL 20 1999  
TECHNOLOGY CENTER 3100  
atls

RESPONSE TO NOTICE  
OF INCOMPLETE RESPONSE

Sir:

Responsive to the June 28, 1999 Notice of Incomplete Reply, applicants hereby submit a copy of the Response to Notice to File Missing Parts of Application filed **June 24, 1999** in response to the June 16, 1999 Notice from the United States Patent and Trademark Office.

The Response to Notice to File Missing Parts of Application as filed June 24, 1999, a copy of which is enclosed, included:

(1) Response to Notice to File Missing Parts of Application in duplicate;

(2) Executed Declarations/Powers of Attorney of Ascher Shmulewitz; John Burton; Robert S. Bley; Roy Singfatt Chin; Ronald C. Brown; and Robert L. Wilcox.

(3) A copy of the Notice to File Missing Parts of Application;

(4) Check for \$65.00; and

(5) Return Postcard.

Applicants also submit a copy of the postcard returned by the United States Patent and Trademark Office dated June 28, 1999, indicating the documents were received.

Applicants hereby request that the Initial Patent Examination Division confirm that the enclosed documents have been received and meet the requirements of the Response to Notice to File Missing Parts of Application and Notice of Incomplete Reply.

The Commissioner is hereby authorized to charge payment of any additional fees due in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this response is enclosed.

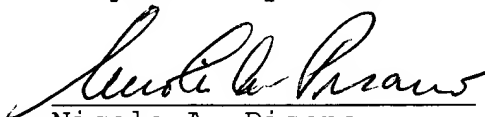
I hereby Certify that this Correspondence is being Deposited with the U.S. Postal Service as First Class Mail in an Envelope Addressed to: ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231, ON

7.9.99

SUSAN B. SNIDER

Signature of Person Signing

Respectfully submitted,



Nicola A. Pisano  
Registration No. 34,408  
Attorney for Applicants

FISH & NEAVE  
1251 Avenue of the Americas  
New York New York 10020  
Tel.: (650) 617-4000

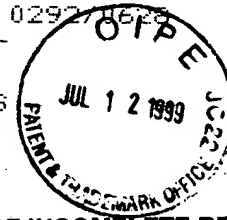


UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/320,172 05/26/99 SHMULEWITZ A CIR-002-CIP2

NICOLA A PISANO  
FISH & NEAVE  
1251 AVENUE OF THE AMERICAS  
NEW YORK NY 10020



NOT ASSIGNED

DATE MAILED: 3762

06/28/99

**NOTICE OF INCOMPLETE REPLY**  
(Filing Date Granted)

The reply filed on 5/26/99 to the

☒ Notice to File Missing Parts (Notice)

☐ Notice to File Corrected Application Papers (Notice)

mailed on 6/16/99 has been entered into the application. The reply, however, is incomplete for the following reason(s).

☐ 1. The filing fee required by the Notice has not been received. The amount of \$ \_\_\_\_\_ is due.

☐ 2. The surcharge of \$ \_\_\_\_\_ has not been received.

☐ 3. The oath or declaration for this nonprovisional application has not been received.

☐ 4. A \$50 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☒ 5. The oath or declaration for this nonprovisional application is not executed in compliance with 37 CFR 1.64(a) because:

☐ a. The inventor's signature is missing.

☒ b. The signature is missing for inventor(s) ALL WHO APPLY

☐ c. The application is one filed under 37 CFR 1.42, 1.43, or 1.47, and the oath or declaration is not executed by the person(s) qualified to make the oath or declaration.

☐ 6. The cover sheet (37 CFR 1.151(c)(1)) for this provisional application has not been received.

☐ 7. The reply does not include the following item(s) required by the Notice:

A complete reply must be timely filed to prevent **ABANDONMENT** of the above-identified application.

The period for reply remains as set forth in the Notice. You may, however, obtain an **EXTENSION OF TIME** under the provisions of 37 CFR 1.136(a) by filing a petition accompanied by the appropriate fee (37 CFR 1.17(a)).

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

W. P. PISANO T-6  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PATENTS

Docket No. CIR-002 CIP2

For A Small Entity

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ascher Shmulewitz et al.  
Serial No. : 09/320,172  
Filed : May 26, 1999  
For : APPARATUS FOR PROVIDING CORONARY  
RETROPERFUSION AND METHODS OF USE  
Group Art Unit : 3762



Hon. Assistant Commissioner  
for Patents  
Box Missing Parts  
Washington, D.C. 20231

RESPONSE TO NOTICE  
TO FILE MISSING PARTS  
OF APPLICATION

RECEIVED  
JUL 20 1999  
TECHNOLOGY CENTER 3700

Sir:

Responsive to the June 16, 1999 Notice to File Missing Parts of Application, executed Declarations and Powers of Attorney, a copy of the Notice to File Missing Parts and a check in the amount of \$65.00 are enclosed.

Applicants submitted a Request for Small Entity Status and Verified Statement for the above-referenced application on June 17, 1999, and therefore have enclosed a check for \$65.00 rather than the \$130.00 indicated on the Notice to File Missing Parts of Application.

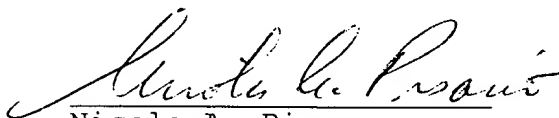
The Commissioner is hereby authorized to charge payment of any additional fees due in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this response is enclosed.

Respectfully submitted,

I hereby Certify that this Correspondence is being Deposited with the U.S. Postal Service as First Class Mail in an Envelope Addressed to: ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231, ON

6-24-99  
SUSAN B. SNIDER

Susan Snider  
Signature of Person Signing



Nicola A. Pisano  
Registration No. 34,408  
Attorney for Applicants

c/o FISH & NEAVE  
1251 Avenue of the Americas  
New York New York 10020  
Tel.: (650) 617-4000

Docket No. CIR-002 CIP2

Applicant cher Shmulewitz et al.

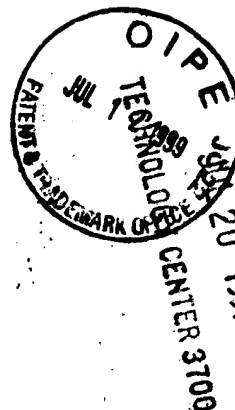
Serial No. 09/320,172 Filed May 26, 1999

*Receipt is hereby acknowledged of the*  
Response to Notice to File Missing Parts of  
Application in Duplicate; Executed Declarations/  
Powers of Attorney; Copy of Notice to File  
Missing Parts of Application. Check for \$65

Dated June 24, 1999

*Filed in connection with the above case.*

COMMISSIONER OF PATENTS  
AND TRADEMARKS



RECEIVED

**Docket No.** CIR-002 CIP2

**Applicant** Ascher Shmulewitz et al.

**Serial No.** 09/320,172 **Filed** May 26, 1999

**Receipt is hereby acknowledged of the**  
Response to Notice to File Missing Parts of  
Application in Duplicate; Executed Declarations/  
Powers of Attorney; Copy of Notice to File  
Missing Parts of Application; Check for \$65

**Dated** June 24, 1999

*Filed in connection with the above case.*

COMMISSIONER OF PATENTS  
AND TRADEMARKS



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JUL 20 1999  
TECHNOLOGY CENTER 3700

35569

1-8/210  
280

**FISH & NEAVE**  
1251 AVENUE OF THE AMERICAS  
NEW YORK, NY 10020

THE CITIBANK PRIVATE BANK  
153 EAST 53RD STREET, SUITE NO. 2411  
NEW YORK, NY 10043

DATE	CHECK NO.	CHECK AMOUNT
June 23, 1999	35569	\$65.00

PAY Sixty Five & 0/100

TO  
THE  
ORDER  
OF  
Commissioner of Patents and  
Trademarks  
Washington, DC 20231

*William T. Kelly*  
AUTHORIZED SIGNATURE

⑈082334 004 ⑈80000720⑈ ⑈85550⑈



RECEIVED  
JUL 20 1999  
TECHNOLOGY CENTER 3700





Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/320,172 05/26/99 SHMULEWITZ

A CIR-002-CIP2

0292/0616

NICOLA A PISANO  
FISH & NEAVE  
1251 AVENUE OF THE AMERICAS  
NEW YORK, NY 10020

NOT ASSIGNED

DATE MAILED: 3762

06/16/99

### NOTICE TO FILE MISSING PARTS OF APPLICATION

*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 130.00

☐ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$\_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$\_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$\_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$\_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

HARRISON T-C  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202